



February 9, 2011

Honorable Jeff Merkley
United States Senate
Washington, D.C. 20510

Dear Senator Merkley:

I am writing on behalf of the Port of Portland to update you on the schedule for the Portland Harbor Superfund site. After more than 10 years, the Superfund process is nearing the point at which very important decisions will be made about cleanup levels, methods, and costs.

As you know, the Port of Portland is a member of the Lower Willamette Group (LWG)--a group of public and private parties that has been cooperating with the Environmental Protection Agency to study the Portland Harbor Superfund site. So far, the LWG has spent more than \$80 million on sampling, analysis, and agencies' and tribes' administrative costs. The LWG is finalizing the Remedial Investigation, which summarizes the sampling and analytical work and describes the contamination in the Portland Harbor. At the same time, the LWG is also preparing the draft Feasibility Study that will identify cleanup alternatives for specific locations.

In fall 2009, the LWG submitted a draft Remedial Investigation and risk assessments to EPA. The LWG is now working hard to incorporate into those draft documents hundreds of comments and new requirements that EPA provided in July through December of last year. The LWG should be able to make EPA's changes and submit the revised Remedial Investigation and risk assessments in summer 2011. Assuming EPA does not provide substantially new comments and approves the revised documents, the LWG proposes to deliver the draft Feasibility Study in December 2011, which is six months after the current deadline of June 2011.

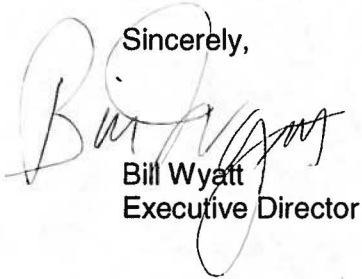
While the Remedial Investigation has taken longer than the LWG, the Port, and EPA had hoped, we should not rush the Feasibility Study to make up for that time. A comprehensive Feasibility Study requires significant analysis and defensible conclusions about cleanup levels, methods, and costs. It should serve as the foundation for the EPA cleanup plan. Therefore, it is important that EPA allow the LWG the time necessary to get the Feasibility Study right. In particular, it makes sense that the Remedial Investigation and risk assessments should be substantially complete and receive EPA approval before the LWG is required to submit the draft Feasibility Study. The former should inform the latter.

The current deadline of June 2011 for delivering the draft Feasibility Study represented an extremely aggressive schedule. One critical assumption was that the revised Remedial Investigation and risk assessments would not significantly affect the draft Feasibility Study. That is no longer true. For example, the LWG must incorporate new data and a different benthic risk model into the Remedial Investigation and risk assessments—changes which impact the draft Feasibility Study. Given this linkage between the documents, EPA should allow time to receive, review, and approve the revised Remedial Investigation and risk assessments before the LWG submits the draft Feasibility Study.

I have enclosed a letter from the LWG to EPA proposing the schedule I've outlined here. The Port of Portland supports this schedule proposal and hopes that EPA will approve it.

Thank you for considering our views. The Port looks forward to working with you on achieving our common objectives for the cleanup of the Portland Harbor.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Wyatt", is written over the typed name and title.

Bill Wyatt
Executive Director